



Ngātiwai Trust Board

Mandate Maintenance

Report on Objectives

For Te Arawhiti, the office for Maori Crown Relations

MANDATE MAINTENANCE REPORT 18

Activity Period: 1 February 2020 to 31 March 2020 (2 months)

Report Date: 28 August 2020

Kia Tūpato!

*Ka tangi a Tūkaiaia kei te moana, ko Ngātiwai kei te moana e haere ana;
Ka tangi a Tūkaiaia kei tuawhēnua, ko Ngātiwai kei tuawhēnua e haere ana.*

Beware!

*When Tūkaiaia calls at sea, Ngātiwai are at sea;
When Tūkaiaia calls inland, Ngātiwai are inland.*

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Background Context

This is the eighteenth quarterly mandate maintenance report produced by the Ngatiwai Trust Board (NTB) for the Crown (Te Arawhiti) following the Crown's recognition of the NTB Deed of Mandate (DoM) on 21 October 2015.

The purpose of this report is to document the work undertaken by the NTB to maintain its mandate and in particular to demonstrate its ongoing commitment to continually improve its communications and engagement with Ngātiwai members so as to keep members properly informed about the negotiations and Treaty settlement journey.

Mandate Maintenance requirements

Section 55 of the Deed of Mandate states:

“The NTB will ensure that Ngātiwai members are kept regularly informed and updated on negotiations progress through:

- *monthly newsletters/e-panui and website with regular updates*
- *hui or wananga on particular topics will be held regularly through the year*
- *the AGM or a Special General Meeting where the need arises (i.e. to present an iDoS and a proposal for a PSGE to the claimants community for approval and ratification)*
- *Negotiators will also be required to report to Te Iwi o Ngātiwai on negotiations as required by the NTB (see page 22)*
- *monthly Board meeting summaries to be released following each meeting providing regular updates on matters under discussion by the Board and*
- *Three additional hui-a-iwi (in addition to the AGM) in total providing quarterly opportunities for engagement and discussion.*

The focus will be on the progress of negotiations.”

Section 56 of the Deed of Mandate states:

“The NTB will provide regular three monthly reports to OTS to maintain the mandate. It will include information about:

- *communications with Ngātiwai (i.e. newsletters/e-panui, hui or wananga, website and Facebook updates),*
- *any AGMs or SGM held within the reporting period, and*
- *any other points of interest related to the progress of negotiations.”*

While it is acknowledged that the OTS have a standard form for mandate maintenance reports this report covers those requirements and builds on the previous commitments made by the Board in its Engagement and Communications Plan dated 13 December 2014. For this reason it includes a brief summary of progress made towards achieving specific objectives established in December 2014.

List of Abbreviations

<i>NTB</i>	Ngātiwai Trust Board	<i>TA</i>	Te Arawhiti (Previously OTS)
<i>AGM</i>	Annual General Meeting	<i>SGM</i>	Special General Meeting
<i>DoM</i>	Deed of Mandate	<i>ToN</i>	Terms of Negotiation
<i>AiP</i>	Agreement in Principle	<i>iDoS</i>	Initialed Deed of Settlement
<i>PSGE</i>	Post Settlement Governance Entity	<i>OIA</i>	Official Information Act

Issues Arising

Terms of Negotiation

1. Completion of Terms of Negotiations (ToN) were paused pending the outcome of the Ngātiwai Mandate Inquiry by the Waitangi Tribunal and remain paused until mandate mediation is complete.

Mandate Mediation

Mediation Proposals and Funding

2. During this reporting period Te Arawhiti were considering providing independent funding directly to the hapū claimants to participate in the mediation.

Mediation Engagement

3. Following the update letter sent to hapū groups in December 2019 there was no correspondence received.
4. Between January and March TCC Trustees made multiple efforts to personally contact the hapū claimants to request preliminary hui to discuss the mediation proposals. One group agreed to meet but then advised that they would not be able to meet for the next two months due to whanau issues that needed to be attended to.

Overlapping Claims

Ngati Whātua

5. On 13 February 2020 Te Arawhiti advised that Kaipara Uri and Te Rūnanga o Ngati Whātua and the Crown were working to agree a process for further engagement, identifying issues and potential solutions for involvement in the Kaipara Moana arrangements, and seeking agreements on solutions that can work for everyone.

Hauraki Overlapping Claims

6. On 6 February 2020 (Waitangi Day) Paul Majurey sent an e-mail requesting a hui to attempt to resolve the disputed redress and on 11 February 2020 the Board responded:
 - a. that on 22 January 2020 it had requested confirmation from the Crown of if it was going to follow the Tribunals recommendations,
 - b. pointing out the disputed redress identified in the Ngatiwai [Amended] Statement of Claim to the Waitangi Tribunal, and
 - c. pointing out that Mr Majurey's correspondence to date had been silent on the topic of a tikanga-based process (recommended by the Waitangi Tribunal) and whether he was willing to commit to such a process.
7. On 24 February 2020 the Minister for Treaty of Waitangi Negotiations Hon A. Little responded to the Board's letter dated 22 January 2020 with multiple letters relating to each of the Hauraki individual and collective settlement deeds confirming that:
 - a. He did not intend to progress Hauraki settlement legislation,
 - b. His strong preference is to support and encourage iwi-led and tikanga-based engagement on the redress items at issue between the parties,
 - c. His expectation was that all parties will make genuine efforts to engage together in a timely way, with a genuine desire to resolve outstanding matters between the parties
 - d. Indicating the outstanding redress in relation to each of the parties concerned.
8. On 5 March 2020 the Board sent a letter to Paul Majurey referring to its unanswered letter of 11 February 2020:
 - a. asking if he was willing to commit to a tikanga-based process as recommended by the Waitangi Tribunal in its report on the Hauraki overlapping claims,

- b. noting that Ngatiwai consider it premature to have a hui to try and resolve the disputed redress until discussions are had about the tikanga-based process that the Tribunal recommended,
 - c. noting that the letters received from the Minister on 24 February 2020 contained incomplete information about the disputed redress,
 - d. noting that the Board had requested full disclosure of ALL overlapping redress, and
 - e. indicating that it may be that an independent tikanga expert be brought into assist.
9. On 10 March 2020 Mr Majurey responded noting that:
- a. he had sent several emails seeking to meet that were not taken up or declined,
 - b. that the Boards correspondence continues to attempt to impose pre-conditions on meeting, and
 - c. proposing another meeting date.
10. On 31 March 2020 the Crown provided a table of all individual and collective redress together with a map showing the whereabouts of the redress.

Marine and Coastal Area Act (MACA)

11. On 20 February 2020, the Board hosted a second hui for all Ngatiwai or Ngatiwai related MACA Applicants in either the Crown Engagement Process or the High Court or both. This hui build on the earlier hui held on 13 November 2019 with the kaupapa remaining the same “What is the best approach to take the MACA Act?”.
12. This hui was well attended by 20 participants attending either in person or online. More focus was placed on the upcoming MACA Kaupapa Inquiry and the Board offered to include any Ngatiwai MACA applicants evidence within its claims if applicants had not submitted their own claim.

COVID-19 Pandemic

13. During March the Country locked down into alert level 4 which resulted in staff working from home and no further hui - except where possible online.
14. All staff were effectively redeployed to assist with the pandemic response weather by preparing urgent documents (i.e. the Ngatiwai Pandemic Emergency Management Response Plan or associated Action Plans) or by assisting the procurement and distribution of food and sanitation packs to our most vulnerable communities.
15. Obviously the lockdown hampered the Boards ability to function as usual.

Communications and Engagement with Ngātiwai Whanui

Open Door Policy and Face to Face Engagement Hui

1. Progress on this objective has been maintained as set out table on the next page.

Monthly Board Updates and Newsletters

2. Monthly Board meeting summaries are posted to our website and Facebook pages following each Board meeting. They are also included in our Newsletter.

Trust Deed Review

3. The review of the Trust Deed is subject to the mandate mediation process.

Wananga Planning for PSGE

4. The PSGE planning is subject to the mandate mediation process.

Quarterly Hui-a-Iwi

5. There were no hui-a-iwi during the period 1 February to 31 March 2020 (2 months).

Finalise the Strategic Communications Plan

6. The plan has been completed and is available on our website for public view.

Review, refine and maintain the current database

7. Regular address updates and new registrations continue to be promoted and received.
8. The total number of registered members as at 31 March 2020 is 8336 (including 74 pending registrations). This is an increase of 42 registered members since 31 January 2020.
9. The registered members who are recorded as without a known postal address or are recorded as Gone-No-Address (GNA) is 1167 or 14%.

Report on Objectives

Engagement Objective 1 a): Hui

Date	Details	Supporting Documents
January		
February		
04/02/2020	Whakapaumahara/Whananaki Marae Trustees monthly meeting	K. Caldwell note of meeting
01/02/2020	Te Whanau a Rangiwakaahu Hapu Trust monthly meeting	A. Edwards note of meeting
08/02/2020	Otetao Marae meeting	G. Reti note of meeting
20/02/2020	Ngatiwai MACA Applicant Hui Ngatiwai Trust Board	Agenda, Attendance Register (see also correspondence objective 1)
March		
07/03/2020	Tuparehuia Marae	R. Diamond note of meeting
	COVID – 19 Lockdown	

Engagement Objective 1 b): Correspondence

Correspondence available for Ngātiwai members to view at the Ngātiwai Trust Board office.

Date	To	From	Topic
MACA			
13/02/2020	T. McPherson - NTB	A. Edward – Te Whanau A Rangiwahakaahu Hapu Incorporated Charitable Trust	Marine and Coastal Area (Takutai Moana) Act
26/02/2020	T. McPherson - NTB	Ngatiwai MACA Applicants	MACA Hui follow up
03/03/2020	A. Pitman – Patuharakeke Trust Board (PTB)	T. McPherson - NTB	MACA Hui
Overlapping Claims – Ngati Whatua			
13/02/2020	T. McPherson - NTB	M. Hickey – Te Arawhiti (TA)	Kaipara Uri, Te Runanga o Ngati Whatua and the Crown
Overlapping Claims - Hauraki			
06/02/2020	A. Edwards - NTB T. McPherson – NTB L. Anderson - TA	P. Majurey –	Letter to PM and Ministers re Hauraki Inquiry Outcome
13-14/02/2020	L. Cleve and N. McDonald	T. McPherson	Internal hui to discuss Hauraki engagement
14/02/2020	T. Afecki – Ngati Rehua Ngatiwai ki Aotea Trust	T. McPherson - NTB	Hauraki Settlement Overlapping Claims Inquiry Report
14/02/2020	T. Hohneck – Ngati Manihiri Settlement Trust	T. McPherson - NTB	Hauraki Settlement Overlapping Claims Inquiry Report
11/02/2020	P. Majurey -	A. Edwards - NTB	Letter to PM, Disputed Redress, Tikanga Process
20/02/2020-26/02/2020	T. McPherson - NTB	P. Majurey -	Letter from A. Edwards 11/02/20 and hui invitation
24/02/2020	P. Majurey – Chair Hauraki Collective, T. McPherson - NTB	Hon A. Little	Hauraki Settlement Overlapping Claims Inquiry Report – Next steps
24/02/2020	P. Majurey - Chair Marutūāhu Collective, T. McPherson - NTB	Hon A. Little	Hauraki Overlapping Claims Inquiry Report – Next Steps

Engagement Objective 1 b): Correspondence (continued)

Date	To	From	Topic
24/02/2020	P. Majurey, Waati Ngamane – Negotiators Ngati Maru T. McPherson - NTB	Hon A. Little	Hauraki Settlement Overlapping Claims Inquiry Report – Next steps
24/02/2020	J. McMEnteer and L. Ngamane - Negotiators Ngati Tamatera, T. McPherson - NTB	Hon A. Little	Hauraki Settlement Overlapping Claims Inquiry Report – Next steps
24/02/2020	M. Wilson - Negotiator Ngati Paoa Iwi Trust, T. McPherson - NTB	Hon A. Little	Hauraki Settlement Overlapping Claims Inquiry Report – Next steps
24/02/2020	N. Kennedy and T. Compain – Negotiators Ngati Whanaunga, T. McPherson - NTB	Hon A. Little	Hauraki Settlement Overlapping Claims Inquiry Report – Next steps
24/02/2020	J. Anderson and J. Linstead – Negotiators Hako, T. McPherson - NTB	Hon A. Little	Hauraki Settlement Overlapping Claims Inquiry Report – Next steps
24/02/2020	T. McPherson	Hon A. Little	Reply to NTB letter 22/01/2020
26/02/2020	A. Edwards - NTB	L. McNicholl – TA	Contact list corrected
05/03/2020	P. Majurey – Marutuahu Collective	T. McPherson - NTB	Tikanga based process and disputed redress – Letter to Paul Majurey
10/03/2020	A. Edwards - NTB T. McPherson - NTB	Paul Majurey – Marutuahu Collective	Marutuahu Collective Redress Deed
31/03/2020	A. Edwards – NTB Cc: T. McPherson	L. McNicholl - TA	List and combined map of all collective and individual redress that overlaps with Ngatiwai's Aoi

Engagement Objective 2: Pānui (continued)

Date	Details	Supporting documents
03/02/2020	Reminder: Final day for voting for Election of Trustees to NTB	Posted to facebook and Website
04/02/2020	Declaration of Result Election of Trustees	Posted to website, Facebook and included in newsletter
10/02/2020	Declaration of Result Election of Trustees – Pataua Marae	Posted to website, Facebook
27/02/2020	Post shared supporting our whanau and community of Aotea – Ngati Rehua Ngatiwai ki Aotea – Policy for dumping of Dredged Material	Posted to facebook and Website
28/02/2020	Notice of Election of Trustee – Oakura Marae	Posted to website, Facebook
09/03/2020	Notice of Election of Trustee – Ngunguru Marae	Posted to website, Facebook
13/03/2020	Declaration of Result Election of Trustees – Oakura Marae	Posted to website, Facebook
17/03/2020	Urgent Panui: COVID-19 announcement	Posted to website, Facebook
23/03/2020	Bland Camp Ground Closed due to COVID-19	Posted to facebook and Website
23/03/2020	Urgent Panui: COVID-19 Alert Level 4 Lockdown announcement	Posted to facebook and Website
23/03/2020	Urgent Panui: COVID-19 Alert Level 4 Office closer, staff to work from home	Posted to facebook and Website
24/03/2020	Urgent Panui: COVID-19 Country now in Alert Level 4	Posted to facebook and Website
26/03/2020	Ngatiwai COVID-19 free call 0800 whanau support line announced	Posted to facebook and Website
27/03/2020	COVID-19 – Tangihanga guidelines	Posted to facebook and Website
28-31/03/2020	High level of Coms supporting our whanau during COVID. Multiple Daily posts around COVID shared with whanau.	Posted to facebook and Website
<p>High level of internal Com's to support and inform our Operations staff.</p> <p>Most staff were re-deployed throughout March/April assisting with calling kaumātua and vulnerable whanau, as well as receiving calls via our 0800 whanau support line, so daily updates were important.</p> <p>Re-deployed staff were involved in the pandemic plan writing, distribution of kai, hygiene packs, supermarket vouchers to kaumatua and vulnerable whanau throughout March/April.</p> <p>Key communications focus internally and externally during this time.</p>		

Objective 3: Trust Deed Review

The review of the Trust Deed is subject to the mandate mediation process.

Objective 4: PSGE Planning

The PSGE planning is subject to the mandate mediation process.

Objective 5: Quarterly Hui-A-Iwi (including AGM)

There were no hui-a-iwi during the period 1 February to 31 March 2020 (2 months).

Objective 6: Strategic Communications Plan

This objective has been completed and the plan is available on the NTB website.

Objective 7: Database Maintenance and Functioning

Details of efforts to increase the number of registered members and update addresses.

Date	Details
Monthly	A consistent monthly report is provided to NTB Trustees which includes: <ul style="list-style-type: none">• Total counts of registrations and GNA's for each Marae• List of members who have no current postal address
Ongoing	Promote registration and postal address updating with pānui on the NTB website, Facebook, E-Pānui and newsletter <i>Te Tūkaiaia</i> (see objective 2 Pānui)
Ongoing	NTB communication and registration forms are made available onsite from the front desk at NTB offices – 129 Port Road, Whangarei. NTB communication and registration forms are available online and are made available by direct request which are sent/received via post or email.
Outcomes	
31/03/20	Total number of registered members 8336 including 74 pending registrations. Total number of “gone-no-address” identified for registered members are 1167 or 14% of the total number of registered members.
31/03/20	Total number of registered members who have identified at least one Ngātiwai hapū on their registration form is 6967.